



1137273 - R8 SDMS

Voluntary Consent to Access Property
Third Interim Agreement

The United States Environmental Protection Agency Region 8 (EPA) and ASARCO Incorporated (Asarco) previously executed on March 29, 2004 and April 8, 2004 an Interim Agreement for Voluntary Consent to Access Property for the Asarco Globe Plant (the "Old Agreement"). The Old Agreement is attached and incorporated by reference as Exhibit 1. In a second interim agreement executed by Asarco on May 3, 2004, the parties extended the terms of the Old Agreement until May 12, 2004. In this Third Interim Agreement, the Parties now further extend the Old Agreement until July 15, 2004. Payment shall be due by September 15, 2004 if agreement is not reached by July 15, 2004, unless future extensions are mutually agreed to by the Parties to this Third Interim Agreement.

The undersigned representatives of each Party to this Agreement certify that he or she is fully authorized to enter into this Agreement of behalf of EPA and Asarco, respectively.

EPA:

By: Matthew Ordan

Date: May 19, 2004

ASARCO Incorporated:

By: R. L. Albert

Date: May 19, 2004

By: D. E. MacIntyre

Date: May 19, 2004